

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

DAVID A. STEBBINS

PLAINTIFF

v.

NO. 4:16-CV-545-JM

**STATE OF ARKANSAS, ARKANSAS
REHABILITATION SERVICES, AND
AMY JONES**

DEFENDANT

DEFENDANTS' FEDERAL RULE OF CIVIL PROCEDURE 26(f) REPORT

Defendants by and through counsel, Amber R. Schubert, submit the following information in compliance with Federal Rule of Civil Procedure Rule 26(f) and Local Rule 26.1. Defendants attempted to confer with Plaintiff regarding a joint 26(f) report, but the parties were unable to come to an agreement. Plaintiff informed Defendants that he has already filed his separate 26(f) report. Defendants submit the following as their separate Rule 26(f) report.

1. Any changes in timing, form, or requirements of mandatory disclosures under Federal Rule of Civil Procedure Rule 26(a).

DEFENDANTS' RESPONSE:

Defendants have filed a motion to dismiss Plaintiff's Complaint (Docs. 15, 16). The live issues will remain unclear, and the scope of permissible discovery will be uncertain, until such time as the Court rules on Defendants' motion. Therefore, initial disclosures are inappropriate at this time. In the event Defendants' Motion is denied, initial disclosures will be due within 14 days after Defendants file an answer.

2. Date when mandatory disclosures were or will be made.

DEFENDANTS' RESPONSE:

Defendants have filed a motion to dismiss Plaintiff's Complaint (Docs. 15, 16). The live issues will remain unclear, and the scope of permissible discovery will be uncertain, until such time as the Court rules on Defendants' motion. Therefore, initial disclosures are inappropriate at this time. In the event Defendants' Motion is denied, initial disclosures will be due within 14 days after Defendants file an answer.

3. Subjects on which discovery may be needed.

DEFENDANTS' RESPONSE: Defendants will seek discovery regarding Plaintiff's allegations and Defendants' defenses, including the alleged bases for Defendants' purported liability and Plaintiff's claim for damages; witnesses—expert and lay; depositions and discovery requests from Plaintiff's witnesses; and any other documents or other areas that may become evident during discovery.

4. Whether any party will likely be requested to disclose or produce information from electronic or computer-based media. If so:

DEFENDANTS' RESPONSE: Defendants anticipate seeking disclosure of computer-based information. As such, Defendants further state:

- a. whether disclosure or production will be limited to data reasonably available to the parties in the ordinary course of business;

DEFENDANTS' RESPONSE: It is anticipated that the sought disclosures will be data reasonably available to Plaintiff and Defendants.

- b. the anticipated scope, cost and time required for disclosure or production of data beyond what is reasonably available to the parties in the ordinary course of business;

DEFENDANTS' RESPONSE: Defendants are unable to determine if such production will be required; but if such production becomes necessary, the parties will timely inform the Court if they are unable to resolve a dispute.

c. the format and media agreed to by the parties for the production of such data as well as agreed procedures for such production;

DEFENDANTS' RESPONSE: Information that is stored electronically will be provided in the format in which it is ordinarily kept.

d. whether reasonable measures have been taken to preserve potentially discoverable data from alteration or destruction in the ordinary course of business or otherwise; and

DEFENDANTS' RESPONSE: Defendants have taken and will continue to take reasonable measures to preserve discoverable data, if any, from alteration and destruction in the ordinary course of business or otherwise. Defendants specifically request that all potentially discoverable data be preserved from alterations or destruction in the ordinary course of business or otherwise.

e. other problems which the parties anticipate may arise in connection with electronic or computer-based discovery.

DEFENDANTS' RESPONSE: None at this time.

5. Date by which discovery should be completed.

DEFENDANTS' RESPONSE: Defendants propose August 4, 2017.

6. Any needed changes in limitations imposed by the Federal Rules of Civil Procedure.

DEFENDANTS' RESPONSE:

Defendants anticipate that they will be able to complete discovery within the limitations imposed by the Federal Rules of Civil Procedure. However, they reserve the right to request leave to conduct additional discovery should the need arise.

7. Any Orders, e.g. protective orders, which should be entered.

DEFENDANTS' RESPONSE:

Defendants will attempt to negotiate a reasonable protective order regarding confidential information and then move the Court for its entry.

8. Any objections to initial disclosures on the ground that mandatory disclosures are not appropriate in the circumstances of the action.

DEFENDANTS' RESPONSE:

Defendants have filed a motion to dismiss Plaintiff's Complaint (Docs. 15, 16). The live issues will remain unclear, and the scope of permissible discovery will be uncertain, until such time as the Court rules on Defendants' motion. Therefore, initial disclosures are inappropriate at this time. In the event Defendants' Motion is denied, initial disclosures will be due within 14 days after Defendants file an answer.

9. Any objections to the proposed trial date.

DEFENDANTS' RESPONSE: No.

10. Proposed deadline for joining other parties and amending the pleadings.

DEFENDANTS' RESPONSE: Defendants propose July 6, 2017.

11. Proposed deadline for completing discovery.

DEFENDANTS' RESPONSE: Defendants propose August 4, 2017.

12. Proposed deadline for filing motions.

DEFENDANTS' RESPONSE: Defendants propose August 30, 2017, as the deadline for the filing of dispositive motions, and November 3, 2017, as the deadline for the filing of motions in limine.

Respectfully submitted,

LESLIE RUTLEDGE
Attorney General of Arkansas

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I, Amber R. Schubert, Assistant Attorney General, do hereby certify that on January 18, 2017, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF system.

I, Amber R. Schubert, hereby certify that on January 18, 2017, I mailed the document by U.S. Postal Service to the following non CM/ECF participant:

Mr. David Stebbins
123 W. Ridge St., Apt. D
Harrison, Arkansas 72601

/s/ Amber R. Schubert